UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,765	05/30/2001	Gregory A. Hodge	**OO-0006	5021

23377 7590 09/04/2008

WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

EXAMINER	
SMITH, CHENEA	

ART UNIT	PAPER NUMBER
2623	

MAIL DATE	DELIVERY MODE
09/04/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/866,765	HODGE ET AL.	
	Examiner	Art Unit	
	CHENEA P. SMITH	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 May 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *44-115* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *44-115* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date. _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 44-48, 51-57, 60-67, 69-70, 77-82, 84-85, 92-96, 99-106 and 108-109 are rejected under 35 U.S.C. 102(b) as being anticipated by Broadwin (of record).

Regarding claims 44, 53, 62, 77, 92 and 101, Broadwin discloses a method, comprising:

receiving an electronic file (interactive application content, see col 5, lines 2-10), wherein the electronic file includes an interactive icon (see selections options, see col 7, lines 34-41) and first content (see col 5, lines 2-10),

receiving a video signal including second content (audiovisual content, see col 4, lines 57-63),

generating instructions for a set-top box (see col 5, lines 1-10), wherein the instructions for the set-top box are configured to overlay the interactive icon (see selections options, see col 7, lines 34-41) in the electronic file (interactive application content, see col 5, lines 2-10) on at least a portion of the second content (audiovisual content, see col 4, lines 57-63) in the video signal (see col 7, lines 28-41) and the instructions for the set-top box are configured to display the first content if the interactive icon is selected (see col 7, lines 48-53),

combining the video signal, the instructions for the set-top box, and the electronic file together to form a first channel (interactive channel, see col 5, lines 11-14),

combining the first channel with a second channel (non-interactive channel) to form a broadcast signal, and transmitting the broadcast signal to the set-top box (see col 5, lines 17-23).

Regarding claims 45, 54, 63, 78, 93 and 102, Broadwin discloses receiving an audio signal associated with a video signal (see col 4, lines 56-59), and

combining the audio signal, the video signal, instructions for a set-top box, and an electronic file together to form a first channel (see col 5, lines 11-14).

Regarding claims 46, 55, 64, 79, 94 and 103, Broadwin discloses first content in an electronic file comprises graphics and text (see col 7, lines 28-41).

Regarding claims 47, 56, 65, 80, 95 and 104, Broadwin discloses a video signal depicting a product (advertising, see col 6, lines 43-46).

Regarding claims 48, 57, 66-67, 81-82, 96 and 105-106, Broadwin discloses wherein the first content includes a purchasing screen for purchasing the product on at least a portion of the second content in the video signal (see col 7, lines 39-41 and lines 51-53).

Regarding claim 51, 60, 69, 84, 99 and 108, Broadwin discloses an electronic file including a catalog of products, and set-top box instructions configured to overlay the catalog of products on at least a portion of a second content in a video signal (see col 9, lines 21-30 and Fig. 15).

Regarding claims 52, 61, 70, 85, 100 and 109, Broadwin discloses an electronic file including an advertisement, and set-top box instructions configured to overlay the advertisement on at least a portion of a second content in a video signal (see col 9, lines 45-51 and Fig. 15).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 49, 58, 68, 83, 97 and 107 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broadwin (of record), as applied to claims 44, 53, 62 and 77 above, and further in view of Yeo (of record).

Regarding claims 49, 58, 68, 83, 97 and 107, Broadwin does not specifically disclose a video signal including a primary video component and a secondary video component, wherein the primary video component comprises a moving video image and the secondary video component comprises a static video image.

In an analogous art, Yeo discloses a video signal including a primary video component (see col 3, lines 18-19) and a secondary video component (see col 3, lines 25-27), wherein the primary video component comprises a moving video image (see col 3, lines 18-19) and the secondary video component comprises a static video image (see col 3, lines 25-27).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify Broadwin's system to include a video signal including a primary video component and a secondary video component, wherein the primary video component comprises

a moving video image and the secondary video component comprises a static video image, As disclosed by Yeo, for the advantage of allowing a viewer to view a video summary of a one program while simultaneously watching another.

5. Claims 50, 59, 71, 86, 98 and 110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broadwin (of record) and Yeo (of record), as applied to claims 49, 58, 68 and 83 above, and further in view of Fernandez (of record).

Regarding claims 50, 59, 71, 86, 98 and 110, Broadwin in view of Yeo discloses an electronic file including information (see Broadwin, col 5, lines 6-9), and instructions for a set-top box configured to overlay the information on a static video image (see col 9, lines 21-30 and Fig. 15).

Broadwin in view of Yeo does not specifically disclose an electronic file including information about a current event.

In an analogous art, Fernandez discloses an electronic file including information about a current event (see col 2, lines 16-22).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify the system of Broadwin in view of Yeo to include electronic file including information about a current event, as disclosed by Fernandez, for the advantage of allowing a viewer to view news updates while watching a program.

6. Claims 72, 87 and 111 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broadwin (of record), as applied to claims 67 and 81 above, and further in view of Herrington of record).

Regarding claims 72, 87 and 111, Broadwin discloses generating a signal to overlay an interactive advertisement over at least a portion of a second content in a video signal (see col 7, lines 28-31), but does not specifically disclose receiving a customer I.D. number associated with a permission level,

comparing the permission level associated with the customer I.D. number to a permission level associated with the advertisement stored in the electronic file, and

displaying the advertisement when the permission level associated with the customer I.D. is greater than the permission level associated with the advertisement stored in the electronic file.

In an analogous art, Herrington discloses receiving a customer I.D. number associated with a permission level (see col 21, lines 7-10),

comparing the permission level associated with the customer I.D. number to a permission level associated with the advertisement stored in the electronic file (see col 21, lines 10-12), and

displaying the advertisement when the permission level associated with the customer I.D. is greater than the permission level associated with the advertisement stored in the electronic file (see col 21, lines 10-12).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify Broadwin's system to include receiving a customer I.D. number associated

with a permission level, comparing the permission level associated with the customer I.D. number to a permission level associated with the advertisement stored in the electronic file, and displaying the advertisement when the permission level associated with the customer I.D, as disclosed by Herrington, for the advantage of providing a level of control for children's viewing habits.

7. Claims 73, 88 and 112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broadwin (of record), as applied to claims 67 and 81 above, and further in view of Keren (of record).

Regarding claims 73, 88 and 112, Broadwin discloses generating a signal to overlay an interactive advertisement on at least a portion of a second content in a video signal (see col 7, lines 28-31), but does not specifically disclose overlaying for a predetermined time period, or

generating a signal to overlay a second interactive advertisement on at least a portion of the second content in the video signal after the predetermined time period has elapsed.

In an analogous art, Keren discloses overlaying for a predetermined time period (see [0406], lines 1-5), and generating a signal to overlay a second interactive advertisement on at least a portion of the second content in the video signal after the predetermined time period has elapsed (see [0406], lines 6-9).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify Broadwin's system to include overlaying for a predetermined time period, or generating a signal to overlay a second interactive advertisement on at least a portion of the

second content in the video signal after the predetermined time period has elapsed, as disclosed by Keren, for the advantage of ensuring that a viewer has adequate time to view and advertisement.

8. Claims 74-75, 89-90 and 113-114 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broadwin (of record), as applied to claims 67 and 81 above, and further in view of Ramsey Catan (of record).

Regarding claims 74-75, 89-90 and 113-114, Broadwin discloses outputting a composite signal, wherein the composite signal includes an interactive purchasing screen for a product (see col 9, lines 45-51 and Fig. 15).

Broadwin does not specifically disclose receiving a signal to purchase a product,

receiving a customer ID number associated with a permission level,

determining, by a set top box, if the permission level associated with the customer ID number is greater than a permission level associated with the product, and

authorizing, by the set top box, the purchase of the product when the permission level associated with the customer ID is greater than the permission level associated with the product.

In an analogous art, Ramsey Catan discloses receiving a signal to purchase a product (see [0017], line 3,

receiving a customer ID number (see [0017], lines 4-6) associated with a permission level (see 0017], lines 6-8),

determining, by a set top box, if the permission level associated with the customer ID number (the credit limit allotted to the customer) is greater than a permission level associated with the product (the price of the product) see [0018], lines 12-18), and

authorizing, by the set top box, the purchase of the product when the permission level associated with the customer ID is greater than the permission level associated with the product (see [0018], 12-18).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify Broadwin's system to include receiving a signal to purchase a product, receiving a customer ID number associated with a permission level, determining, by a set top box, if the permission level associated with the customer ID number is greater than a permission level associated with the product, and authorizing, by the set top box, the purchase of the product when the permission level associated with the customer ID is greater than the permission level associated with the product, as disclosed by Ramsey Catan, for the advantage of allowing a parent to provide access for a child to a credit card without providing the full access to the entire limit of the credit card.

9. Claims 76, 91 and 115 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broadwin (of record) in view of Ramsey Catan (of record), as applied to claims 75 and 90 above, and further in view of Malec (of record).

Regarding claims 76, 91 and 115, Broadwin in view of Ramsey Catan discloses storing information indicative of a purchase of a product in a set-top box (see [0045], lines 4-7), but does

not specifically disclose storing information indicative of the purchase of the product in a purchase buffer, or connecting to an e-commerce server to transfer the information indicative of the purchase of the product to the e-commerce server.

In an analogous art, Malec discloses storing information indicative of the purchase of the product in a purchase buffer (see claim 32, lines 14-16), and connecting to an e-commerce server to transfer the information indicative of the purchase of the product to the e-commerce server (see claim 32).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify the system of Broadwin in view of Ramsey Catan to include storing information indicative of the purchase of the product in a purchase buffer, or connecting to an e-commerce server to transfer the information indicative of the purchase of the product to the e-commerce server, as disclosed by Malec, for the advantage of controlling the rate of data transfer when transferring purchase records from a set top box to a server.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHENEA P. SMITH whose telephone number is (571)272-9524. The examiner can normally be reached on Monday through Friday, 7:30 am - 5:00 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chenea P. Smith/
Examiner, Art Unit 2623

/Hunter B. Lonsberry/
Primary Examiner, Art Unit 2623